

Title 15 - Mississippi Department of Health

Part III – Office of Health Protection

Subpart 75 – Food Protection

CHAPTER 01 REGULATION GOVERNING BOTTLED WATER

100 **Purpose**

This regulation prescribes sanitary practices relating to the source, transportation, processing, bottling, storage and distribution of bulk, vended or bottled drinking water. The ultimate concern of this regulation is the quality of water offered to the consuming public. Seltzer and soda waters are not included in this regulation.

101 **Authorization**

The State Board of Health is authorized to promulgate these rules under and by virtue of section 41-3-15, 41-3-18 and 75-29-801 through 75-29-809 of the Mississippi Code of 1972, annotated.

102 **Adoption by Reference**

The Code of Federal Regulations 21 CFR Parts 103, 129, 165, and 184, recommended by the U.S. Department of Health and Human Services/Food and Drug Administration is adopted by reference. Copies of this Regulation may be obtained from the Milk Plant and Bottled Water Inspection Branch.

103 **Modifications of the Adoption by Reference**

The provisions in sections 104 thru 110 of this Regulation make amendments, additions, and deletions to the Code of Federal Regulations Parts 110, 129, 165, and 184.1563 adopted by reference.

104 **Definitions**

For this regulation, the following words and phrases shall have the meanings indicated:

104.01 **Approved Laboratory** means a laboratory approved by the United States Environmental Protection Agency, Mississippi State Department of Health or any agency of another state or foreign country to perform drinking water analyses in accordance with water quality testing procedures outlined by the United States Environmental Protection Agency.

104.02 **Bottled Water Plant** means any place or establishment where water is received, prepared, processed, packaged and provided for human consumption or other consumer uses.

- 104.03 **Department** shall mean the Mississippi State Department of Health or its designated employees.
- 104.04 **Health Authority** shall mean the Mississippi State Department of Health or its representative.
- 104.05 **Plant Operator** means any person who owns or operates a bottled water plant.
- 104.06 **Water Dealer** means any person who imports bulk water or causes bulk water to be transported for bottling for human consumption or other consumer use.
- 104.07 **Vended Water** means water dispensed by a water vending machine.
- 104.08 **Water Vending Machine** means any self-service device that upon insertion of money or tokens or upon receipt of payment by other means, dispenses unit servings of water in bulk into a container, without the necessity of refilling the machine between each operation. For the purpose of this rule, bottled water coolers or dispensers providing individual servings are not included.
- 104.09 **Water Vending Machine Operator** means any person who owns, leases, manages, or is otherwise responsible for the operation of a water vending machine.

105 **Permits**

- 105.01 Each person who establishes, maintains, or operates a bottled water plant in the state shall first secure an annual bottled water plant operating permit from the Mississippi State Department of Health.
- 105.02 Each person who imports water or causes water to be transported into or within the state for human consumption or other consumer uses shall secure an annual water dealer permit from the Mississippi State Department of Health. Bulk water that is transported into the state shall be from approved sources.
- 105.03 Each person who is both a bottled water plant operator and water dealer shall be issued a combination permit and shall be required to pay one fee only.
- 105.04 Bottled water that is imported into and offered for sale in the state shall be processed and packaged in an approved bottled water plant that holds a valid annual bottled water operating permit issued by the Mississippi State Department of Health.
- 105.05 An out-of-state bottler or water dealer that has a permit to bottle or transport water in that state in which the facility is located may receive a permit under this law based on reciprocity provided the finished water meets the quality standards as provided in this regulation. All information submitted shall be legible and in English or have an adequate English translation attached.

- 105.06 A bottler outside the United States may receive a permit under this law based on a showing satisfactory to the Department that the permit requirements and regulations for the source, bottling facility, treatment and bottling practices, and product water be at least as stringent as the requirements of this regulation. All information submitted shall be legible and in English or have an adequate English translation attached.
- 105.07 An out- of-state or out-of-country bottled water plant or bottled water dealer that is located in an area absent of any bottled water regulation may receive a permit under this law based on a showing satisfactory to the Department that the source, bottling facility, treatment and bottling practices and product water meet the requirements of this regulation. All information submitted shall be legible and in English or have an adequate English translation attached.
- 105.08 If, after considering the source of water and the treatment process provided by a bottled water plant operator or water dealer, the Department finds that the finished water will meet the quality standards as defined by this regulation and the inspection determines the plant complies with the physical requirements set forth in this regulation, the permit will be issued.
- 105.09 Emergency Suspension of Permit
1. Any permit issued pursuant to this regulation may be suspended prior to a hearing if the Health Authority has reasonable cause to suspect that the continued operation of the permitted bottled water plant or water dealer constitutes a substantial hazard to the public health,
 2. Whenever a permit is suspended the holder of the permit or person in charge shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for hearing will be provided if requested in writing within ten days of the receipt of the notice of suspension. If no written request for hearing is filed within ten days, the suspension is sustained.
 3. The Health Authority may relinquish the suspension at any time if reasons for the suspension no longer exist.
- 105.10 Denial or Revocation of Permit
1. Grounds for denial or revocation of a permit shall include but not limited to:
 - a. Failure to complete the information requested on the application.
 - b. Falsification of information submitted on an application for permit.
 - c. Refusal to allow inspections by the Health Authority, or other interference in the inspection.

- d. Violation of the Regulation Governing Bottled Water.
 - e. Failure to correct violations of inspection standards within the time specified following inspection.
 - f. Any circumstances where the operation of the bottled water plant or water dealer constitutes a hazard to the public health.
2. Notice. Prior to revocation or denial of a permit, the owner of the bottled water plant or water dealer shall be notified, in writing, of the proposed action, together with the reasons for the same. Said notice shall provide owners/applicants ten days in which to request a hearing.
 3. Hearing. If requested in writing, a hearing shall be scheduled within the State Department of Health not less than ten days nor more than 30 days following receipt of the request. On the basis of such hearing, the State Department of Health shall make a decision with respect to proposed action. This decision, together with the finding of the hearing officer, and reasons for the decision, shall be forwarded to the owner/applicant within 30 days of the hearing.

105.11 Inspections

1. The Health Authority shall inspect annually each instate bottled water plant prior to issuing a permit, and shall make as many additional inspections as necessary for the enforcement of this regulation.
2. Whenever an inspection is made of a bottled water plant the findings shall be recorded on an official inspection form, and furnished to the person in charge of the bottled water plant at the time of the inspection, or posted in a conspicuous place.
3. If violations noted on the inspection form are not corrected within the period specified by the Health Authority, a permit may be denied, suspended or revoked in accordance with this regulation.
4. The Health Authority may enter any bottled water plant, water dealer warehouse or distribution center during normal hours of operation, for the purpose of making inspections, or investigations to determine compliance with this regulation.

105.12 Out-of-state and out-of-country bottled water plants shall submit copies of current inspection and reports as prescribed in 105 items 105.06 and 105.07 of this section and as often as deemed necessary by the Department in order to assure compliance with this regulation.

106 **Permit Applications**

- 106.01 Application for an original or renewal permit for a bottled water plant operator or water dealer shall be made in writing to the Mississippi State Department of Health on forms provided by the Department. The application, incorporated by reference herein and titled Application for Water Dealer Permit or Application for Bottled Water Plant Operating Permit, shall state the location of the source of water, the location of the bottled water plant; the mailing address of the dealer and/or bottler, the treatment the water receives; the physical, microbiological, chemical and radiological qualities of the water, and other information determined necessary by the Department to carry out the provisions of this regulation. All information submitted shall be legible and in English or have an adequate English translation attached.
- 106.02 Each permit shall be issued only for the water dealer or the bottled water plant named in the application, and shall not be transferable or assignable.
- 106.03 Each permit shall be issued from date permitted until December 31st each year.
- 106.04 Prior to approval of any application for a permit, the State Department of Health shall inspect the proposed instate bottled water plant to determine compliance with the requirements of this regulation.
- 106.05 **Review of Plans and Specifications**

Prior to construction, remodeling or conversion for use as a bottled water plant, plans and specifications shall be submitted to the Health Authority for review and approval. The plans and specifications shall indicate the proposed layout, arrangement, and construction materials of work areas and the type and model of proposed equipment and facilities to the extent necessary to determine whether the proposed facility will comply with the Regulation Governing Bottled Water.

107 **Penalties**

Any person who operates a bottled water plant or causes water to be transported into or within the state for sale without first obtaining a permit as required by Section 105 of this regulation; or who operates a bottled water plant or water transportation vehicle violating an order to cease operations; or who maintains or operates a bottled water plant or water transport vehicle or vessel after revocation of the permit; or who at any time during the plant's working hours or downtime during the normal workday fails to allow a duly authorized representative of the Department to enter the premises to conduct an inspection is guilty of a misdemeanor, punishable as provided by law.

108 **Fees**

The annual permit fee for a bottled water plant and/or dealer is \$200.00.

109 **Transportation of Bulk Water**

- 109.01 All water transported in bulk shall be from an approved source that meets the standards of protection, microbiological, chemical, radiological and physical qualities as outlined in this regulation.
- 109.02 As part of the pre-treatment process, bulk tanks, hoses, pumps and connections used for loading, transporting and unloading water shall be cleaned and sanitized. Raw water for transport shall be treated with an effective disinfectant.
- 109.03 Tanks and filling and delivery hose connections shall be cleaned and sanitized regularly. The tank shall be sealed always unless being filled, being cleaned and sanitized and when the water is being delivered. A record of such cleaning and sanitizing shall be maintained with the vehicle and shall be available when requested by the Department. Pumps, hoses, connections and fittings shall be capped and protected from contamination when not in use. The tank manhole shall not be used as a means of filling the tank. During delivery of bulk water, to prevent collapse of the tank, the manhole may be opened but shall be provided with a single service air filter to prevent contamination.
- 109.04 All surfaces that come into contact with water during storage prior to transport, during transport or during storage after transport, shall be made of smooth impervious, non-absorbent, corrosion resistant and non-toxic material such as stainless steel of the American Iron and Steel Institute 300 Series, or equally corrosion-resistant non-toxic material. All water contact surfaces shall be free of substances that may render the water injurious to health or which may adversely affect the flavor, color, turbidity, odor, radiological, microbiological or chemical quality of the water.
- 109.05 Bulk water transport is intended to move raw water from one area to another for the purpose of treatment, packaging and human consumption. Such water shall not be dispensed directly to consumers from a bulk water transport or indirectly through some other vending device. In the case of an emergency such as a drinking water shortage or outage or a contaminated water supply, treated water may be dispensed directly from a properly sanitized water transport vehicle to the affected consumers provided such operation has been approved by a state or local health, environmental or emergency management group.
- 109.06 Suitable shelter shall be provided that protects the transport tank and its content from rain, dust, aerosols or other contaminants during the filling and delivery process. Overhead protection of the entire transport tanker including a work space at the rear of the tank and an overhead work space of adequate size shall be provided for use during the unloading process.
- 109.07 Any plant that is to receive bulk water must be constructed in a manner to receive water properly and to clean and sanitize the tanker after unloading. The tanker must be tagged and sealed after cleaning and sanitizing by the plant.

- 109.08 The cleaning tag shall be removed by the receiving plant and attached to the invoice or load manifest and provide the information as directed in item 109.09 of this section.
- 109.09 The cleaning tag shall specify:
1. name and address of plant where cleaned and sanitized
 2. date of cleaning
 3. signature of person who sanitized the unit
- 109.10 All vehicles and transport tanks containing bulk raw water for processing, processed water for bottling, or bottled water shall be legibly marked with the name and address of the water bottling plant or water dealer in possession of the contents.
- 109.11 Tanks or vehicles transporting raw water for processing and bottling or processed water for bottling shall be sealed; and, in addition, for each shipment a shipping statement, invoice, or manifest shall be prepared by the dealer making the shipment indicating at least the following information:
1. Shipper's (dealer) name, address, and permit number.
 2. Source and/or point of origin of shipment.
 3. Tanker identity.
 4. Name of product.
 5. Net content.
 6. Date of loading and date of shipment.
 7. Name of supervising Health Authority at the source and at the point of origin if different.
 8. Whether the contents are raw or processed.
- 109.12 Discontinuance of Operation
- The Department shall order a bottled water plant or water dealer to discontinue operation if conditions represent a threat to the life or health of any person, or if the finished water or bulk water does not meet standards established by these rules. Such bottled water plant shall not operate until such time as the Department determines that the conditions that caused the operation to be discontinued no longer exist.

110 **Water Vending Machines**

A water vending machine shall comply with the regulation for bottled water plants except when inconsistent with the special requirements prescribed in this section and then the following requirements take precedent.

- 110.01 Water vending machines shall be designed and constructed to allow easy cleaning and maintenance of all exterior and interior surfaces and component parts.
- 110.02 Water contact surfaces and parts of the water vending machine shall be of non-toxic, corrosion-resistant, non-absorbent material capable of withstanding repeated cleaning and sanitizing treatment.
- 110.03 Water vending machines shall have a guarded corrosion resistant dispensing spout.
- 110.04 Water vending machines shall be equipped to disinfect the vended water by ultra-light, ozone, or equally effective methods prior to delivery into the customer's container.
- 110.05 Water vending machines shall be equipped with monitoring devices designed to shut down operations of the machine when the treatment or disinfectant unit fails to function properly.
- 110.06 Water vending machines shall be equipped with a self-closing, tight-fitting door on the vending compartment.
- 110.07 Water vending machines shall be located only in retail food establishments or may be considered in other establishments routinely regulated by the Mississippi State Department of Health.
- 110.08 The floor on which a water vending machine is located shall be smooth and of cleanable construction.
- 110.09 Each machine shall have an adequate system for collecting and disposing drippage, spillage, and overflow of water to prevent creation of a nuisance.
- 110.10 Each machine shall have a backflow prevention device for all connections with the water supply source.
- 110.11 The source of the water supply shall be an approved public water system.
- 110.12 Owners, managers and operators of water vending machines shall ensure that the methods used for treatment of vended water are acceptable to the Department. Acceptable treatment includes distillation, ion-exchange, filtration, ultraviolet light, mineral addition and reverse osmosis.

110.13 Operator Requirements

All water vending operators shall have a program that includes:

1. Cleaning, sanitizing and servicing of machines monthly.
2. Written servicing instructions.
3. Technical manuals for the machines.
4. Technical manuals for the water treatment appurtenances involved.

110.14 Parts and surfaces of water vending machines shall be kept clean and maintained by the water vending machine operator. The vending chamber and the vending nozzle shall be cleaned and sanitized each time the machine is serviced. A record of cleaning and maintenance operations shall be kept by the operator for each water vending machine. These records shall be made available to the Department's employees upon request.

110.15 Water vending machine operators shall ensure that machines are maintained and monitored to dispense water meeting quality standards specified in this regulation. Analyses shall be performed by a laboratory certified by the Department to perform microbiological analyses of drinking water. Each machine's finished product shall be sampled at least once every 3 months to determine total coliform content. However, provided a satisfactory method of post-treatment disinfection is utilized and based on a sustained record of satisfactory total coliform analyses, the Department shall allow modification of the 3-month sampling requirement as follows:

1. When three consecutive 3-month samples are each found to contain zero coliform colonies per 100 milliliters of the vended water, microbiological sampling intervals shall be extended to a period not exceeding 6-months. Should a subsequent 6-month sample test positive for total coliform, the required sampling frequency shall revert to the 3-month frequency until 3 consecutive samples again test negative for total coliform bacteria.
2. If any sample collected from a machine is determined to be unsatisfactory, the machine shall be cleaned, sanitized and resampled immediately. If, after being cleaned and sanitized, the vended product is determined to be positive for coliform, the machine shall be taken out of service until the source of contamination has been located and corrected.

110.16 All records pertaining to the sampling and analyses shall be retained by the operator for a period of not less than 2 years. Results of the analyses shall be available for Department review upon request.

- 110.17 Each water vending machine shall have in a position clearly visible to customers the following information:
1. Name and address of operator.
 2. The operator's permit issued by the department.
 3. Name of the water supply purveyor.
 4. The method of treatment that is utilized.
 5. The method of post-treatment disinfection utilized.
 6. A local or toll-free number that may be called for further information, problems, or complaints; or the name of the store or building manager can be listed when the machine is located within a business establishment and the establishment manager is responsible for the operation of the machine.
- 110.18 The vending machine shall bear the following label in type at least one inch in height: NOTICE: USE ONLY CONTAINERS THAT HAVE BEEN PROPERLY WASHED AND SANITIZED.
- 110.19 When containers are provided by the operator, the caps, closures and containers shall be stored and dispensed in a manner that prevents contamination of the article and also the remaining stock. Consumers may provide their own containers.
- 110.20 The Department shall collect and analyses samples of vended water when necessary to determine if the vended water meets the standards of potable water.
- 110.21 Fees. Each person seeking an operating permit to install, operate, or maintain a water vending machine shall pay an annual fee of \$30.00 for each machine to the Department. Fees shall be non-refundable. Specific authority: Section 41-3-18, MS Code of 1972, Annotated.
- 110.22 The Department shall order a water vending machine operator to discontinue the operation of any water vending machine that represents a threat to the life or health of any person, or whose finished water does not meet the minimum standards provided for in this chapter. Such water vending machines shall not be returned to use or used until such time the Department determines that the conditions that caused the discontinuance of operation no longer exist.
- 110.23 The Department shall revoke a permit when it is determined that there has been a substantial failure to comply with the provisions of the rule by which the health or life of an individual, or the health or lives of individuals is threatened or impaired, or by which or through which, directly or indirectly, disease is caused.